



0000061237

ORIGINAL

**BEFORE THE ARIZONA CORPORATION COMMISSION**

255P

**COMMISSIONERS**

2006 SEP -11 P 1:20

JEFF HATCH-MILLER, Chairman  
 WILLIAM A. MUNDELL  
 MIKE GLEASON  
 KRISTIN K. MAYES  
 BARRY WONG

AZ CORP COMMISSION  
 DOCUMENT CONTROL

**IN THE MATTER OF:**

DOCKET NO. W-03512A-06-0407

RAYMOND R. PUGEL AND JULIE B. PUGEL AS  
 TRUSTEES OF THE RAYMOND R. PUGEL AND  
 JULIE B. PUGEL FAMILY TRUST, and ROBERT  
 RANDALL AND SALLY RANDALL,

Arizona Corporation Commission

**DOCKETED****SEP 01 2006**

Complainants,

v.

PINE WATER COMPANY,

DOCKETED BY

Respondent.

**PROCEDURAL ORDER****BY THE COMMISSION:**

On June 21, 2006, Raymond R. Pugel and Julie B. Pugel, as trustees of the Raymond R. Pugel and Julie B. Pugel Family Trust, and Robert Randall and Sally Randall (collectively "Complainants"), filed with the Arizona Corporation Commission ("Commission") a Complaint against Pine Water Company ("Pine Water"). The Complaint seeks to delete property owned by the Complainants from Pine Water's certificated service area based on the allegation that Pine Water is not able to provide satisfactory and adequate water service in a reasonable time and at a reasonable rate.

On June 28, 2006, Pine Water filed an Application for Leave to Intervene<sup>1</sup>.

IT IS THEREFORE ORDERED that Pine Water Company shall file an Answer to the attached Complaint within 20 days of the effective date of this Procedural Order, in accordance with

<sup>1</sup> Although it appears that the initial filing in this matter was intended to be captioned as a Complaint, Pine Water was not formally served with a copy of the Complaint by the Commission's Docket Control Division, presumably because the filing was also titled as an "Application for Deletion of Territory from Certificate of Convenience and Necessity of Pine Water Company." As a result, Pine Water was not sent a letter by Docket Control directing it to file an Answer to the Complaint in accordance with Arizona Administrative Code ("A.A.C.") R14-3-106(H). Pine Water is a party as the Respondent in this matter and, as such, there is no need to rule on its Application for Leave to Intervene. However, Pine Water will be directed to file an Answer to the Complaint, which is attached hereto, within 20 days from the date of this Procedural Order pursuant to A.A.C. R14-3-106(H).

1 A.A.C. R14-3-106(H).

2 IT IS FURTHER ORDERED that a **procedural conference shall be conducted on**  
3 **September 25, 2006, at 11:30 a.m.**, at the Commission's offices, 1200 West Washington Street,  
4 Phoenix, Arizona.

5 IT IS FURTHER ORDERED that the Commission's Utilities Division Staff shall enter an  
6 appearance at the September 25, 2006 procedural conference.

7 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
8 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
9 hearing.

10 Dated this 1<sup>st</sup> day of September, 2006

11  
12 

13 DWIGHT D. NODES  
14 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered  
this 1<sup>st</sup> day of September, 2006 to:

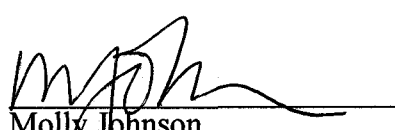
16 John G. Gliege  
17 Stephanie J. Gliege  
18 GLIEGE LAW OFFICES  
19 P.O. Box 1388  
Flagstaff, AZ 86002  
Attorneys for Complainants

20 Jay L. Shapiro Patrick J. Black  
21 FENNEMORE CRAIG  
22 3003 North Central Avenue, Ste. 2600  
Phoenix, AZ 85012  
Attorneys for Pine Water Company  
(CERTIFIED AND REGULAR MAIL)

23 Christopher Kempley, Chief Counsel  
24 Legal Division  
25 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2627 N. Third Street, Ste. Three  
Phoenix, Arizona 85004-1126

By:   
Molly Johnson  
Secretary to Dwight D. Nodes